

04-11-05

AF *[initials]*

Walker & Jocke

a legal professional association

Ralph E. Jocke
Patent
&
Trademark Law

April 6, 2005

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: **Application Serial No.:** 09/923,089
Appellants: Harold V. Putman, et al.
Filing Date: August 6, 2001
Confirmation No.: 9431
Title: AUTOMATED BANKING
MACHINE SYSTEM AND METHOD
Docket No.: D-1144

Sir:

Please find enclosed the Appellant's Reply Brief pursuant to 37 C.F.R. § 41.41 for filing in the above-referenced application.

Very truly yours,

Ralph E. Jocke
Reg. No. 31,029

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that this document and the documents indicated as enclosed herewith are being deposited with the U.S. Postal Service as Express Mail Post Office to addressee in an envelope addressed to Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 7th day of April 2005.

EV 484923541 US
Express Mail Label No.

Ralph E. Jocke

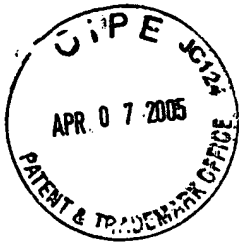
330 • 721 • 0000
MEDINA

330 • 225 • 1669
CLEVELAND

330 • 722 • 6446
FACSIMILE

rej@walkerandjocke.com
E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601



D-1144

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:)	
Harold V. Putman, et al.)	
)	Art Unit
Serial No.: 09/923,089)	2876
)	
Confirm. No.: 9431)	
)	
Filed: August 6, 2001)	Patent Examiner
)	Seung H. Lee
For: Automated Banking Machine)	
System And Method)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

Sir:

The Appellants hereby submit their Reply Brief pursuant to 37 C.F.R. § 41.41 concerning the above-referenced Application. The Reply Brief is in response to the Examiner's Answer ("Answer") dated February 10, 2005.

STATUS OF CLAIMS

Claims 1-40 are pending in the Application.

Claims rejected: 1-40

Claims allowed: none

Claims confirmed: none

Claims withdrawn: none

Claims objected to: none

Claims canceled: none

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds to be reviewed in this appeal are:

- 1) Whether Appellants' claims 1, 8, 9, 29 and 30 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Clark, et al., U.S. Patent No. 6,378,770 ("Clark").
- 2) Whether Appellants' claims 2 and 3 are unpatentable under 35 U.S.C. § 103(a) over Clark.
- 3) Whether Appellants' claims 4-7, 10-28, 31-40 are unpatentable under 35 U.S.C. § 103(a) over Clark in view of Coutts, et al., U.S. Patent No. 6,311,165 ("Coutts").

ARGUMENT

Appellants' Appeal Brief filed on April 14, 2004 is incorporated herein by reference.

The Answer includes a "Grounds of Rejection" section beginning on page 3. All of the grounds of rejection included in this section of the Answer are substantially identical to those previously presented in the Office Action dated November 19, 2003. Appellants respectfully submit that these rejections have already been fully addressed in Appellants' Appeal Brief. Please refer to Appellants' previous arguments in the Appeal Brief regarding all the issues of record.

Response to New Arguments in Answer

The Answer includes a "Response to Argument" section beginning on page 7. The Office's remarks regarding the claim rejections are addressed in the order they are presented in the Answer. In addition for many of the claims discussed, the Examiner has quoted various portions of Appellants' arguments from the Appeal Brief. However, many of these quotations have errors and omissions and therefore do not accurately summarize the arguments from Appellants' Appeal Brief. Therefore, Appellants respectfully request that Appellants' actual arguments presented in the Appeal brief be considered and not incomplete quotations of such arguments included in the Answer.

Claim 1

With respect to claim 1 the Answer begins by quoting various portions of Appellants' Appeal Brief which describe features recited in claim 1 which are not disclosed or suggested by Clark. The Answer then summarizes the hardware features of Clark and concludes by stating

that: "the control unit will display proper information on the display device after determining source of the input devices that is used by user or operator."

It is not indicated where Clark allegedly discloses or suggests "determining source of input devices" or how the Office asserts that this phrase is relevant to claim 1. Appellants disagree with the implication that Clark teaches determining the types of input devices connected to Clark's user or operator panels. Nowhere does Clark disclose or suggest a software application that is operative to determine first and second types of first and the second input devices connected to Clark's ATM. The Answer asserts that Clark shows a keypad (16) and a keypad (27) associated respectively with a user panel (12) and an operator panel (26). However, nowhere does the Answer point to any teaching or suggestion that the controller unit (30) of Clark determines the types of these input devices.

Further Clark does not inherently include software that determines the types of first and second input devices merely because Clark has more than one type of input device. The types of devices available on the ATM of Clark may be fixed and hardcoded into the software in a conventional manner, which would remove the alleged need to determine sources or the types of input devices. Further even if Clark or any of the other applied art did suggest a need to determine the type of input devices connected to the ATM (which it does not), the Answer has still failed to show where Clark or any of the other applied art discloses or suggests causing different user interfaces to be output through the user interface and operator panels of an ATM responsive to determined types of input devices respectively associated with the user interface and operator panels.

Clark teaches that the information displayed by the displays of the operator and user panels are different. However, nowhere does Clark suggest that such differences are caused by a software application that provides different types of outputs responsive to determined different input device types associated with each respective display. Nowhere does Clark disclose or suggest: "at least one software application is operative to cause a first user interface to be output through the first display device responsive to the determined first type of the first input device, and is operative to cause a second user interface different from the first user interface to be output through the second display device responsive to the determined second type of the second input device" as specifically recited in Appellants' claim 1.

Appellants respectfully submit that Clark does not disclose or suggest each and every element, feature, and relationships of the claimed invention arranged in the manner recited in claim 1, as is required to sustain the rejection. It is respectfully submitted that the 35 U.S.C. § 102(e) rejection of claim 1 is improper and should be withdrawn.

Claim 8 and 9

The Answer asserts that Figure 2 of Clark shows arrows which represent receiving and/or sending data information and "therefore the ATM of Clark comprises a capability of determining input sources of the user station". Appellants respectfully disagree.

As discussed previously with respect to claim 1, it is unclear what the asserted "determining input sources" of the user stations is intended by the Answer to mean or where this is allegedly found in the disclosure of Clark. However, the mere fact that the input devices in Clark may send data to a processor unit, which may be used by the processor unit to control a

display device, does not disclose or suggest that there is software in the ATM of Clark that operates to "determine at least one capability of at least one input device included in each user station" as recited in claim 8.

Furthermore, even if Clark did disclose or suggest that its processing unit determines capabilities of input devices (which it does not), Clark still does not teach (as recited in claim 8) "at least one software application is operative to cause a user interface to be output through the display device included in each user station, wherein the user interface for a user station is output responsive to the at least one capability associated with the at least one input device included in the user station."

In addition, the Answer has grouped claims 8 and 9 together. However, the Answer has not shown that the additional features recited in claim 9 are found in Clark. For example, where does Clark disclose or suggest "for each user station, the corresponding user interface includes at least one user interface element that is adapted, responsive to the determined at least one capability, for user interaction through the at least one input device included in the user station?" Appellants respectfully submit that Clark does not disclose or suggest each and every element, feature, and relationships of the claimed invention arranged in the manner recited in claims 8 and 9, as is required to sustain the rejection. It is respectfully submitted that the 35 U.S.C. § 102(e) rejections of claims 8 and 9 are improper and should be withdrawn.

Claim 29

Clark discusses an ATM with both a user panel (12) for use by consumers and an operator panel (26) inside the ATM for use by service personnel. The Answer asserts that

"services" can be performed at the user and operator panels of Clark. However the term "services" is not recited in claim 29. Rather claim 29 recites "servicing operations". Clark teaches performing servicing operations (i.e. replenishment of the cash dispenser) only at the operator panel (26) (Column 5, lines 47-52). Although Clark indicates that cash can be dispensed to a consumer when the consumer is using the user panel (12) (Column 2, lines 53-62), a consumer's use of an ATM to withdraw cash in no way constitutes performing servicing operations with the ATM. Clark does not disclose or suggest that a user may also perform servicing operations at the user panel (12). Servicing operations in Clark can only be performed through use of the operator panel (26). Thus, nowhere does Clark disclose or suggest as specifically recited in claim 29, an automated banking machine in which "both the first user interface and the second user interface are adapted to enable an authorized user to perform servicing operations with the machine while positioned adjacent either the first user station or the second user station of the machine".

It is respectfully submitted that the 35 U.S.C. § 102(e) rejection of claim 29 is improper and should be withdrawn.

Claim 30

With respect to claim 30, the Answer points out that Clark shows a keypad (27) as a first type of input device and a card reader (14) serving as a second type of input device. However the mere fact that Clark discloses different input devices, does not mean that Clark teaches at least one software application that is operative responsive to the "determined first type" and the "determined second type" of the card reader (14) and the keypad (27) respectively, to include in

first and second user interfaces respectively, first and second user interface elements which are adapted for selection using the keypad and card reader devices respectively. Clark clearly does not teach what is recited in claim 30.

In addition as discussed previously, Clark does not teach that a consumer operating Clark's ATM may also perform servicing operations at the user panel (12) of Clark. Thus, Clark does not disclose an automated banking machine in which "the computer is operative to perform a common servicing operation responsive to selection of either the at least one first or the at least one second user interface elements" as recited in claim 30.

It is respectfully submitted that the 35 U.S.C. § 102(e) rejection of claim 30 is improper and should be withdrawn.

Claim 2

With respect to claim 2, the Answer appears to be arguing that the possible ability of the operator panel (26) of Clark to enter a supervisor mode, while the user panel (12) of Clark displays the Answer's suggested "temporally out of order" message, serves as "spanning of the display devices". Appellants disagree. The ability of two displays in an ATM to output different information at the same time does not disclose or suggest a "desktop environment" or a desktop environment that spans "first and second display devices", as recited in claim 2.

Claim 2 specifically recites that "the at least one computer is operative to cause a desktop environment to be generated, wherein the desktop environment spans the first and second display devices". Nowhere does Clark disclose or suggest that a "desktop environment" is generated through either the user or operator panel display devices. Further, nowhere does Clark disclose

or suggest a desktop environment that "spans the first and second display devices". It follows that the Answer does not factually support any *prima facie* conclusion of obviousness, and the rejection is not legally valid.

Claim 3

With respect to claim 3, the Answer asserts that "Clark teaches the banking procedure or software store in the memory device in the controller unit to produce information to be displayed on the first or second display device according to input devices associated therewith". It is unclear how this assertion is relevant to claim 3. The ability of two display devices in an ATM to output different information at the same time responsive to inputs from input devices, does not disclose or suggest the features recited in claim 3.

As discussed previously with respect to claim 2, Clark does not disclose or suggest a desktop environment which spans two display devices. In addition with respect to claim 3, Clark does not disclose or suggest a first user interface that is produced in a first portion of a desktop environment that is output through a first display device of machine, and a second user interface that is produced in a second portion of the desktop environment that is output through the second display device.

It follows that the Answer does not factually support any *prima facie* conclusion of obviousness and that the rejection is therefore improper.

Claim 4

Contrary to the assertions in the Answer, the alleged ability of an ATM to switch from displaying a message such as "Please insert a banking card" to a message such as "Please enter a PIN using a keypad" responsive to inputs from a card reader, does not disclose or suggest the features recited in claim 4. For example where does Clark or Coutts disclose or suggest an automated banking machine that is operative to cause output of user interfaces responsive to both a document and determined types of input devices? It follows that the Answer does not factually support any *prima facie* conclusion of obviousness, and that the rejection is legally improper.

Claim 5

With respect to claim 5, the Answer has failed to show where Clark or Coutts discloses or suggests that a JAVA software program serves as a document. Coutts refers to JAVA as corresponding to a software application (Column 3, lines 24, 25) not as a document. Also, claim 5, through its parent claims 1 and 4, recites both "at least one software application" and "at least one first document". The Action has failed to show where the combination of Clark and Coutts teaches an automated banking with the separate elements of a "software application" and a "document". It follows that the Answer does not factually support any *prima facie* conclusion of obviousness, and the rejection is improper.

Claims 6 and 7

With respect to claims 6 and 7 the Answer argues that the "Java program of Coutts comprises a plurality of event processors". Thus with respect to claims 6 and 7, The Answer

alleges that the JAVA program of Coutts corresponds to a software application that includes the recited "event processors" rather than the recited "document". Therefore if the Office regards the JAVA program as a software application, then where does Coutts or Clark disclose the separately recited element of a "document" as recited in Appellants' claims 4-7?

With respect to claim 6 neither Clark nor Coutts discloses or suggests a document with command instructions which are operative to specify an event processor included in a "software application". In addition, neither reference discloses or suggests a computer in the banking machine which invokes the event processor responsive to both the command instructions in the document and an input from either a first input device associated with a first display or a second input device associated with a second display.

With respect to claim 7, nowhere does Clark or Coutts disclose or suggest an event processor of a software application which can cause the banking machine to perform at least one maintenance related function, and which is invoked responsive to an input from either a first input device associated with a first display or a second input device associated with a second display? It follows that the Answer does not factually support any *prima facie* conclusion of obviousness with respect to claims 6 and 7.

Claim 10

With respect to claim 10 the Answer alleges that Coutts teaches a JAVA program has command instructions. However, claim 10 recites that the recited element of a "document" includes the plurality of command instructions, not the recited element of a "software application". Thus, the Answer has failed to show where Clark or Coutts discloses or suggests

the two separately recited elements of a "document" and a "software application". In addition, the Answer has failed to show where Clark and Coutts disclose or suggest a software application that is operative to output the user interface for each user station responsive to the command instructions included in a document. It follows that the Answer does not factually support any *prima facie* conclusion of obviousness with respect to claims 10.

Claim 11

The Answer asserts that the touch screen in Coutts may correspond to a pointing device. However, the presence of a touch screen in Coutts does not provide a teaching, suggestion or motivation to modify Clark to have each of the features and relationships recited in claim 11. For example, where does Clark or Coutts disclose or suggest a software application in an automated banking machine operates responsive to a first command instruction in a document and a determined capability of a pointing device, to generate a user interface element that is adapted for selection using the pointing device; and is also responsive to the first command instruction in the document and a determined capability of at least one key to generate a user interface element that is adapted for selection using the at least one key? The Answer does not factually support any *prima facie* conclusion of obviousness with respect to claim 11, and the claim is further allowable for this reason.

Claims 12 and 13

Claims 12 and 13 and their base claims, recite two separate elements of a "document" and an "event processor software component". The Answer has only pointed to the single

element, namely a JAVA Program, which is alleged to correspond to each of these elements. Appellants respectfully submit that the Answer has not shown that the applied art discloses or suggests that the recited elements of a "document" and an "event processor software component" in claims 12 and 13 correspond to the single JAVA Program. Indeed no such showing can be made.

In addition with respect to claim 12, the presence of a touch screen in Coutts and dual interfaces in Clark, does not provide any teaching, suggestion or motivation to modify Clark to include the features recited in claim 12. For example, where does Clark disclose or suggest that "at least one software application is operatively responsive to the first command instruction and either a selection of the first user interface element with at least one first input from the pointing device or a selection of the second user interface element with at least one second input from the at least one key, to invoke a common function of the event processor component"? Nothing in Coutts or Clark teaches or suggests the recited features and relationships.

With respect to claim 13 the Answer has also failed to show that Clark and Coutts discloses or suggests, an event processor that causes a transaction function device of an automated banking machine to perform an operation responsive to either a first input from a pointer device at a first user station, or a second input from a key at a second user station.

It follows that the Answer does not factually support any *prima facie* conclusion of obviousness with respect to claims 12 and 13.

Claim 14

With respect to claim 14, the Answer includes a purported description of how a JAVA program may be used in an ATM. Although it is not clear if or where Clark or Coutts discloses the description provided, Appellants respectfully submit that this description is not sufficient to establish that each of the elements, features, and relationships recited in claim 14 are disclosed or suggested in the applied art.

For example, where does Clark or Coutts disclose or suggest an automated banking machine that performs "a common maintenance operation" responsive to a first command instruction in a document and either a selection of a first user interface element with at least one first input from a pointing device of a first user station, or a selection of a second user interface element with at least one second input from at least one key of a second user station? They do not. It follows that the Answer does not factually support any *prima facie* conclusion of obviousness and the rejection is legally improper.

Claims 15-17

With respect to claims 15-17, the Answer provides a purported description of how a JAVA program may be compiled to generate a graphical user interface for an ATM having a human readable language. Although it is not clear if or where Clark or Coutts discloses the description provided, Appellants respectfully submit that this description is not sufficient to establish that each of the elements, features, and relationships recited in claims 15-17 are disclosed or suggested in the prior art.

For example, with respect to claim 15, where does Clark or Coutts disclose or suggest an automated banking machine which includes a first command instruction in a first document with a first label in a first human language, and a third command instruction in a second document with a second label in a second human language that has a meaning corresponding to the first label? In addition, where does Clark or Coutts disclose or suggest that the third command instruction in the second document corresponds to the first command instruction in the first document? Also where do the applied references disclose or suggest a software application in an automated banking machine which is operative to output user interfaces at a first and a second user station with indicia in the second human language responsive to both the first and second documents?

With respect to claim 16, where does Clark or Coutts disclose or suggest a software application in an automated banking machine which generates user interfaces at each user station, with user interface elements that correspond to the second and third command instructions?

With respect to claim 17, where does Clark or Coutts disclose or suggest a software application in an automated banking machine which generates user interfaces responsive to a second label in a second human language being substituted for a first label in a first human language?

They do not. The Answer fails to support any *prima facie* conclusion of obviousness with respect to claims 15-17.

Claims 18

With respect to claim 18, the Action presents an argument which is substantially identical to the argument made against claim 1. As was discussed with respect to claim 1, it is unclear where Clark allegedly discloses or suggests "determining source of input devices" or how the Office contends this phrase (which is not recited in the claim) is relevant to claim 18. Appellants disagree with the implication that Clark teaches determining the types of input devices connected to its user or operator panels. Nowhere does Clark disclose or suggest step (b) of "determining at least one first type associated with a first input device on the machine", as recited in claim 18.

The Answer has also failed to identify where Clark or Coutts discloses or suggests the other steps recited in claim 18. For example where does Clark or Coutts disclose or suggest presenting a first user interface through a first display associated with the first input device, responsive to the determined type of the first input device? Where does Clark or Coutts disclose or suggest presenting a first user interface through a first display device responsive to both a determined first type of a first input device, and at least one first document provided to the machine?

The Answer does not support any *prima facie* conclusion of obviousness and the rejection of claim 18 is legally improper.

Claims 19 and 20

With respect to claims 19 and 20, the Answer provides an argument which is substantially identical to the argument asserted against claim 30, with the addition that the Answer further asserts that Coutts teaches that the ATM is operated using a software program

serving as an electronic document. As discussed previously, Appellants respectfully submit that nowhere does Coutts or any of the other applied art, disclose or suggest a software program that serves as an electronic document as recited in the claims. Further, the argument presented in the Answer fails to identify, any where in the applied art where each feature, relationship and step recited in claims 19-20 is disclosed or suggested.

For example, where does Clark or Coutts disclose or suggest determining both a first type and a second type associated with first and second input devices respectively, on an automated banking machine? Where does Clark or Coutts disclose or suggest presenting first and second user interfaces through first and second display devices respectively, responsive to the determined first and second types of input devices and at least one first document? They do not.

With respect to claim 20, Appellants disagree that the JAVA program discussed in Coutts corresponds to a document as recited in the claims. Neither Clark nor Coutts discloses or suggests performing the same banking machine function responsive to the same document and responsive to inputs from input devices at both of Clark's user and operator panels. Thus neither Clark nor Coutts discloses or suggests performing a first function responsive to a first document and a first input through a first input device associated with a first display device of an automated banking machine, and performing the first function responsive to the first document and a second input through a second input device associated with a second display device of the machine as recited in claim 20.

It is respectfully submitted that the rejections of claims 19 and 20 are legally invalid and should be reversed.

Claims 21 and 22

With respect to claim 21, Clark indicates that cash can be dispensed to a user using the user panel (12) (Column 2, lines 53-62). However where does Clark or Coutts disclose or suggest that cash can be dispensed using the operator panel (26)? Neither Clark nor Coutts discloses or suggests the recited steps of dispensing cash from a banking machine responsive to a document and a first input through a first input device associated with a first display device of the machine, and dispensing cash responsive to the document and a second input through a second input device associated with a second display device of the machine.

With respect to claim 22, Clark teaches performing maintenance related operations (i.e. replenishment of the cash dispenser) at the operator panel (26) (Column 5, lines 47-52). However where does Clark or Coutts disclose or suggest performing maintenance related operations by a consumer at the user panel (12)? Neither Clark nor Coutts discloses or suggests the recited steps of performing a maintenance related operation with the automated banking machine responsive to a document and a first input through a first input device associated with a first display device of the machine, and performing the maintenance related operation with the machine responsive to the document and a second input through a second input device associated with a second display device of the machine.

The Answer does not factually support any *prima facie* conclusion of obviousness with respect to claims 21 and 22, and the rejection of these claims is legally improper.

Claim 23

The argument presented in the Answer with respect to claim 23 substantially corresponds to the argument made with respect to claim 14. As discussed previously, the Answer provides a description of how a JAVA program may be used in an ATM. Although it is not clear if or where Clark or Coutts discloses the description provided, Appellants respectfully submit that this description is not sufficient to establish that each of the elements, features, and relationships recited in claim 23 are disclosed or suggested in the applied art. For example, where does Clark or Coutts disclose or suggest the recited steps of invoking at least one event processor specified by a first document, responsive to a first input through a first input device associated with a first display device of the banking machine, and invoking the at least one event processor specified by the first document responsive to a second input through a second input device associated with a second display device of the machine? It follows that the Answer does not factually support any *prima facie* conclusion of obviousness and the rejections are improper.

Claims 24-26

With respect to claims 24-26, the Action provides an argument which is substantially identical to the arguments asserted against claims 1 and 15-17. As was discussed with respect to claim 1, it is unclear where Clark discloses or suggests "determining source of input devices" or how the Office intends this phrase to be relevant to claim 24, or any other claim. Appellants disagree with the implication that Clark teaches determining the types of input devices connected to its user or operator panels. Nowhere does Clark disclose or suggest the step of: "determining at least one first type associated with a first input device on the machine", as recited in claim 24.

In addition, the Answer has failed to show that either Clark or Coutts, discloses or suggests the other steps recited in claims 24-26. For example with respect to claim 24, where does Clark or Coutts disclose or suggest presenting at least one first user interface through the first display device, responsive to the determined at least one first type determined as associated with an input device. In addition, where does Clark or Coutts disclose or suggest presenting at least one first user interface through the first display device, responsive to the determined at least one first type, the at least one first document, and the at least one second document? Where does Clark or Coutts disclose or suggest that the at least one second document includes at least one language translation of indicia included in the first document?

With respect to claim 25, where does Clark or Coutts disclose or suggest substituting for a first command instruction in the at least one first document, a second corresponding command instruction in the at least one second document? Where does Clark or Coutts disclose or suggest that the first command instruction includes a first label in a first human language, and the second command instruction includes a second label in a dialect of the first human language?

With respect to claim 26, where does Clark or Coutts disclose or suggest presenting at least one first user interface through the first display device, responsive to the determined at least one first type and the at least one first document?

It follows that the Answer does not factually support any *prima facie* conclusion of obviousness with respect to claims 24-26, and it is respectfully submitted that these claims should be allowed.

Claim 27

With respect to claim 27, the Answer provides an argument which is substantially identical to the argument asserted against claim 30. Again, the argument asserted against claim 27 fails to identify where each and every feature, relationship and step recited in claim 27 is shown in Clark or Coutts. For example where does Clark or Coutts disclose or suggest including in the first user interface, at least one first user interface element that is adapted for selection by a first input device responsive to determining at least one first type associated with the first input device? Where does Clark or Coutts disclose or suggest including in the second user interface, at least one second user interface element that is adapted for selection by a second input device responsive to determining at least one second type associated with the second input device? Where does Clark or Coutts disclose or suggest that these steps are performed with the first input device and the second input device corresponding to different types of input devices? It follows that the Answer does not factually support any *prima facie* conclusion of obviousness.

Claim 28 and 32

With respect to claims 28 and 32, nowhere does Coutts disclose or suggest that a JAVA program serves as a markup language as asserted in the Answer. Nowhere does Clark or Coutts disclose or suggest that a JAVA program corresponds to any type of markup language document.

With respect to claim 28, nowhere does Clark or Coutts disclose or suggest that steps (f) and (g) recited in claim 27 are carried out responsive to at least one instruction in a markup language document, which specifies the inclusion of a user interface element in a user interface generated responsive to the markup language document.

With respect to claim 32, nowhere does Clark or Coutts disclose or suggest at least one software application that is operative to cause the computer of an automated banking machine to output the first and second user interface elements on first and second user interfaces respectively which are adapted for selection using first and second input devices respectively responsive to a markup language document.

It follows that claims 28 and 32 should be allowed.

Claim 31

With respect to claim 31, the Answer presents an argument which is substantially identical to the argument asserted against claims 12-13. The asserted teaching of a touch screen in Coutts may correspond to a pointing device; however, the presence of a touch screen in Coutts does not provide a teaching, suggestion or motivation to modify Clark to have each of the features and relationships specifically recited in claim 31.

For example, where does Clark or Coutts disclose or suggest that a first input device includes a plurality of keys, and at least one software application is operative responsive to the determined first type of the first input device to include at least one first user interface element in a first user interface which is adapted for selection using the first input device including keys? Where does Clark or Coutts disclose or suggest that the second input device includes a pointer device, and that the at least one software application is operative responsive to the determined second type of the second input device to include at least one second user interface element in a second user interface, which element is adapted for selection using the second input device including a pointing device?

It follows that the Answer does not factually support any *prima facie* conclusion of obviousness and that claim 31 should be allowed.

Claim 33

With respect to claim 33, nowhere does Coutts or Clark disclose or suggest that the JAVA program of Coutts corresponds to the recited markup language document with command instructions. The Answer has also failed to show where Clark or Coutts discloses or suggests each of other features and relationships recited in the claim.

For example, where does Clark or Coutts disclose or suggest that the at least one software application of the automated banking machine is operative to generate the first and second user interface elements responsive to a command instruction in a markup language document, and that the command instruction specifies a first one of a plurality of event processors? Where does Clark or Coutts disclose or suggest that the at least one software application is operative to invoke the first one of the event processors responsive to the command instruction, and responsive to either the first user interface element being selected with the first input device or the second user interface element being selected with the second input device? Where does Clark or Coutts disclose or suggest that the recited event processor is operative to cause the computer to perform the servicing operation?

It is respectfully submitted that claim 33 is allowable.

Claim 34

With respect to claim 34, the Answer has also failed to show where Clark or Coutts discloses or suggests each of the features and relationships recited in the claim.

For example, where does Clark or Coutts disclose or suggest at least one software application that is operative responsive to the determined first type of a first input device, to include in the first user interface, at least one first user interface element which is adapted for selection using the first input device? Where does Clark or Coutts disclose or suggest that the at least one software application is operative responsive to the determined second type of second input device to include in the second user interface, at least one second user interface element which is adapted for selection using the second input device? Where does Clark or Coutts disclose or suggest that the first user interface element is visually different from the second user interface element responsive to the determined first and second types of the first and second input devices respectively? It follows that the Answer does not factually support any *prima facie* conclusion of obviousness.

Claim 35

Clark teaches a cash dispenser slot (18). However neither Clark or Coutts discloses or suggests servicing a cash dispenser responsive to selection of either at least one first user interface element or at least one second user interface element included respectively, in first and second user interfaces outputted respectively through first and second display devices of an automated banking machine. It is respectfully submitted that claim 35 is further allowable on this basis.

Claim 36

With respect to claim 36, the Answer provides an argument which is substantially identical to the argument asserted against claims 27 and 30. However, the argument asserted against claim 36 fails to identify where each and every feature and relationship recited in claim 36 is allegedly found in Clark or Coutts.

For example, where does Clark or Coutts disclose or suggest that at least one software application is operative to cause the first user interface to be output through the first display device, responsive to at least one first input through the first input device, and is operative responsive to the determined first type of the first input device, to include in the first user interface, at least one first user interface element which is adapted for selection using the first input device? In addition, where does Clark or Coutts disclose or suggest that the at least one software application is operative to cause the second user interface to be output through the second display device responsive to the at least one second input through the second input device, and is operative responsive to the determined second type of the second input device to include in the second user interface, at least one second user interface element which is adapted for selection using the second input device? No such features are discussed or suggested and it is respectfully submitted that claim 36 should be allowed.

Claim 37

With respect to claim 37, the Answer provides an argument which is substantially identical to the arguments asserted against claims 27 and 30, in combination with the argument asserted against claim 10. Appellants disagree with the assertion that a combination of an ATM

with the user and operator panels of Clark and the JAVA program from Coutts, would include each of the features and relationships recited in claim 37. For example, nowhere does Clark or Coutts disclose or suggest a software application of an automated banking machine which is operative to cause a computer of the machine to determine a first input device type and a second input device type associated respectively with at least one first input device and at least one second input device of the machine. Nowhere does Clark or Coutts disclose or suggest that the software application is operative to include in the first user interface responsive to at least one command instruction in a document and the first input device type, at least one first user interface element adapted to be selected through the at least one first input device. Further, nowhere does Clark or Coutts disclose or suggest a software application that includes in the second user interface responsive to the at least one command instruction and the second input device type, at least one second user interface element adapted to be selected through the at least one second input device.

It follows that the Answer does not factually support any *prima facie* conclusion of obviousness.

Claim 38

With respect to claim 38, the asserted teaching of a touch screen in Coutts may correspond to a pointing device; however, the presence of a touch screen in Coutts does not provide a teaching, suggestion or motivation to modify Clark to include at least one first input device of a first user station that comprises a keypad, and at least one second input device of a second user station that comprises a pointing device, as specifically recited in claim 38.

In addition, the arguments presented in the Answer with respect to claim 38 fail to show where Clark or Coutts discloses or suggested each of the other features and relationships specifically recited in claim 38. For example where does Clark or Coutts disclose or suggest a software application of an automated banking machine which is operative to cause a computer of the machine to determine a first input device type and a second input device type associated respectively with a keypad and pointing device? In addition, where does Clark or Coutts disclose or suggest that the software application is operative to include in the first user interface, responsive to at least one command instruction in a document and the first input device type of a keypad, at least one first user interface element adapted to be selected through the at least one first input device? Further, where does Clark or Coutts disclose or suggest the software application includes in the second user interface responsive to the at least one command instruction and the second input device type of a pointing device, at least one second user interface element adapted to be selected through the at least one second input device?

As these features are not disclosed or suggested in the cited art it is respectfully submitted that claim 38 should be allowed.

Claim 39

With respect to claim 39, the Answer provides an argument which is substantially identical to the arguments asserted against claims 27 and 30, with the further assertion that the banking related service serves as a servicing function. Appellants disagree.

Clark teaches performing servicing operations (i.e. replenishment of the cash dispenser) only at the operator panel (26) (Column 5, lines 47-52). Although Clark indicates that cash can

be dispensed to a consumer user using the user panel (12) (Column 2, lines 53-62), a consumer's use of an ATM to withdraw cash does not constitute, disclose or suggest performing servicing operations with the ATM. Clark does not disclose or suggest that a consumer may also perform servicing operations at the user panel (12). Thus, nowhere does Clark or Coutts disclose or suggest, as recited in claim 39, that a software application is operative responsive to the selection of either at least one first user interface element of the first user interface or at least one second user interface element of the second user interface, to cause the machine to perform a servicing function. It follows that the Answer does not factually support any *prima facie* conclusion of obviousness.

Claim 40

With respect to claim 40, the Answer presents an argument which is substantially identical to the argument asserted against claim 37. Appellants disagree that a combination of an ATM with the user and operator panels of Clark and the JAVA program of Coutts would constitute each of the features and relationships recited in claim 40. In addition, nowhere does Clark or Coutts disclose or suggest that a JAVA program corresponds to any type of markup language document.

Neither Clark nor Coutts disclose or suggest a software application that includes in the first user interface responsive to at least one command instruction in a markup language document and the first input device type, at least one first user interface element adapted to be selected through the at least one first input device. Further neither reference discloses or suggests a software application that includes in a second user interface responsive to the at least one

command instruction in the markup language document and the second input device type, at least one second user interface element adapted to be selected through the at least one second input device.

As these features are neither disclosed or suggested, it is respectfully submitted that claim 40 is patentably distinguishable over the cited art.

CONCLUSION

Appellants have responded to the claim rejections (as best understood) presented in the Answer. The evidence of record and the statutory tests all suggest that Appellants' claimed invention is patentable. Allowance of all the pending claims is respectfully requested.

Respectfully submitted,



Ralph E. Jocke
231 South Broadway
Medina, Ohio 44256
(330) 721-0000

Reg. No. 31,029